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SEP 24 1990

Federal Communications Commission
Office of the Secretary

LAW OFFICES
CORDON AND KELLY
SECOND FLOOR
1920 N STREET, NORTHWEST
WASHINGTON, D. C. 20036
202 - 293 - 2300

September 24, 1990

Federal Communications Commission
Washington, D. C. 20554

RE: First Coast Broadcasting Company
New FM, Baldwin, Florida
File No. BPH-891214MU

SEP 25 10 43 AM '90
AUGUST SERVICES

Gentlemen:

On behalf of First Coast Broadcasting Company, applicant for a construction permit for a new FM Broadcast Station at Baldwin, Florida, this is to submit for the Commission's consideration the attached correspondence from the Federal Aviation Administration's Southern Regional Office. The FAA has identified an electromagnetic interference (EMI) problem with the frequency 105.7 MHz in the Baldwin area, which apparently precludes the issuance of a "determination of no hazard to air navigation" to the above-referenced application, and presumably to other Baldwin applications.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,

FIRST COAST BROADCASTING COMPANY

By


Dennis J. Kelly
General Partner and Counsel

cc: James L. Winston, Esquire
David E. Honig, Esquire
Denise B. Moline, Esquire
Allan G. Moskowitz, Esquire
Arthur Belendiuk, Esquire

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OCT 1 1990

FBI BALDWIN



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southern Region

P. O. Box 20636
Atlanta, Georgia 30320

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August 23, 1990

SEP 24 1990

FIRST COAST BROADCASTING CO.
c/o Cordon & Kelly
1920 N Street, N.W. 2nd Floor
Washington, D.C. 200365

Federal Communications Commission
Office of the Secretary

Dear Mr. Kelly:

This is in response to your FAA Form 7460-1, Notice of Proposed Construction or Alteration, dated December 13, 1989, proposing a new FM radio station near Baldwin, Florida. Specific information is as follows:

AERONAUTICAL STUDY NO. 89-ASO-2591-OE


SPONSOR	:	First Coast Broadcasting Co.
STRUCTURE	:	FM Antenna Tower (105.7mHz/6kW)
LOCATION	:	Baldwin, Florida
LATITUDE/LONGITUDE	:	30°19'01"N./81°59'03"W.
HEIGHTS	:	341 feet AGL. 415 feet AMSL.

The preliminary review revealed a potential Electromagnetic Interference (EMI) problem with respect to intermodulation with the Jacksonville International Airport Runway 13 (I-CZH) and Craig Airport Runway 32 (I-CRG) localizer facilities.

A copy of the Spectrum Management and Systems Support Section evaluation report is enclosed for your information. Unless this potential EMI problem can be resolved the above tower location would have substantial adverse effect upon aeronautical operations and would receive a Determination of Hazard to Air Navigation.

Should you require additional information please let me know.

Sincerely,


RONALD T. NIKLASSON
Airspace Specialist
System Management Branch
Air Traffic Division

ENCLOSURE
cc:ASO-424/ASO-483/FCC/ATP-210

REVIEW OF AIRSPACE STUDY
89-ASO-2591-OE
BALDWIN, FL
ANTENNA TOWER, FREQ. 105.7MHz

An analysis of airspace study 89-ASO-2591-OE (coordinates listed as 30-19-01 latitude and 81-59-03 longitude) revealed intermodulation interference with the Jacksonville, FL, 108.9MHz and 111.7MHz Localizers. The application was analyzed using the generic FM (Radiation Pattern) antenna type because the two-bay radiation pattern not available within the AAM with an ERP of 6kW and the overall height above mean sea level (MSL) of 415'.

INTERMODULATION INTERFERENCE:

The Spectrum Engineering Section, ASO-483 object to this proposal based on our analysis which indicates that aircraft operating in the frequency protect service volume (FPSV) making an instrument landing system (ILS) approach to Runway 18 at Jacksonville International Airport will be subject to hazardous three signal/third order intermodulation interference of the type (B) $f_1 + f_2 - f_3$ resulting in navigation receiver overload and two signal/third order intermodulation interference of type (A) $2f_1 - f_2$ in navigation receiver overload. This interference would be caused by the proposed frequency in combination with existing station as follows:

Type (A):

$\{[2(WCRJ, 107.3\text{MHz})] - (\text{PROP}, 105.7\text{MHz}) = \text{CZH}, 108.9\text{MHz}\}$

Type (B):

$(\text{PROP}, 105.7\text{MHz}) + (\text{WKQL}, 96.9\text{MHz}) - (\text{WKTZ}, 90.9\text{MHz}) = \text{CRG}, 111.7\text{MHz}$

Intermodulation interference occurs whenever two or more signals or their integer multiples combine in such a manner that the product is the frequency to which the receiver is tuned. These signals combine in the nonlinear external devices to produce sum difference frequencies through heterodyne action.

Based on our analysis of the subject airspace study we cannot concur with the proponent's request.

Freddie T. Massey

Freddie T. Massey, Supervisor
Spectrum Engineering Section, ASO-483

Date: 6/22/90

36 pn 3/28/90

LAW OFFICES
CORDON AND KELLY
SECOND FLOOR
1920 N STREET, NORTHWEST
WASHINGTON, D. C. 20036
202-293-2300

JAN 9 1 13 PM '90

December 14, 1989

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891214

1990
FM EXAMINERS

FCC
FEE SECTION

Federal Communications Commission
Washington, D. C. 20554

Gentlemen:

There is transmitted herewith in triplicate on behalf of First Coast Broadcasting Company an application on FCC Form 301 for a construction permit for a new FM Broadcast Station at Baldwin, Florida.

The required filing fee of \$1,800.00 is paid by cashier's check attached to the original of this submission.

The following full-sized, full-color U.S.G.S. maps are submitted with the original copy of the application: "Baldwin, Florida", 7-1/2 minute series (depicting the transmitter site); and "Jacksonville, United States", 1:1,000,000 series (depicting the coverage contours). Reduced copies of these maps are included with the duplicate and triplicate copies of the application.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,


Dennis J. Kelly

105.7MHZ
-89121410 NEW
BPH BALDWIN FL
FIRST COAST BROADCASTING COMPANY

ORIGINAL

FCC 301

RECEIVED

Approved by OMB
3080-0027
Expires 2/28/92
See Page 25 for information
regarding public burden estimate

891214

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only

FEE NO: 02010796

FEE TYPE

NEW

FEE AMT:

1800.00

ID SEQ:

06

For APPLICANT Fee Use Only

Is a fee submitted with this application? ☒ Yes ☐ No

If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box):

- ☐ Noncommercial educational licensee
☐ Governmental entity

FOR COMMISSION USE ONLY

FILE NO.

891214MU

Section I - GENERAL INFORMATION

1. Name of Applicant

FIRST COAST BROADCASTING COMPANY

Street Address or P.O. Box

5223 Duane Drive

City

Fayetteville

State

NY

ZIP Code

13066

Telephone No. (Include Area Code)

315-445-0123

Send notices and communications to the following person at the address below:

Name

CC: Dennis J. Kelly
Cordon and Kelly

Street Address or P.O. Box

1920 N Street, N. W., Second Floor

City

Washington

State

DC

ZIP Code

20036

Telephone No. (Include Area Code)

202-293-2300

2. This application is for:

☐

AM

☒

FM

☐

TV

(a) Channel No. or Frequency

289A (105.7 MHz)

(b) Principal
Community

City

Baldwin

State

FL

(c) Check one of the following boxes:

☒

Application for NEW station

☐

MAJOR change in licensed facilities; call sign:

☐

MINOR change in licensed facilities; call sign:

☐

MAJOR modification of construction permit; call sign:

File No. of construction permit:

☐

MINOR modification of construction permit; call sign:

File No. of construction permit:

☐

AMENDMENT to pending application; Application file number:

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

Is this application mutually exclusive with a renewal application?

☐

Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

FIRST COAST BROADCASTING COMPANY

1. Applicant is (check one box below)

- ☐ Individual ☒ General partnership ☐ For-profit corporation
☐ Other ☐ Limited partnership ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.
n/a

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Partnership Formed:
Date December 13, 1989 Place Filing not required; applicant is general partnership under Florida law

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.
n/a

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. n/a

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No
n/a

Section 11 - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

1.	First Coast Broadcasting Company	Joseph J. Jackler 5223 Duane Drive Fayetteville, N. Y. 13066	Dennis J. Kelly 1322 Homewood Lane Annapolis, Md. 21401
2.	General Partnership formed under Florida law	USA	USA
3.	Applicant	General Partner	General Partner
4.	n/a	60% equity partner	40% equity partner
5.	n/a	60	40
6.	n/a	60%	40%
7.	None	See Exhibit No. 1	See Exhibit No. 1
8.	None	None	None

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
2

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
n/a

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☐ No
n/a

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No
n/a--all interests herein are attributable

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
n/a

Section II - LEGAL QUALIFICATIONS (Page 4)

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section II.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.
n/a

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.
n/a

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
3

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.
See Below

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
 2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:
 - (a) Minority Status
 - (b) Past Local Residence
If Yes, specify whether in the community of license or service area and the corresponding dates.
 - (c) Female Status
 - (d) Broadcast Experience
If Yes, list each employer and position and corresponding dates.
 - (e) Daytime Preference
1. No integration credit is sought by the applicant.
 2. No qualitative enhancement credit is sought by the applicant.

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____
 ASB Referral Date _____
 Referred by _____

Name of Applicant

FIRST COAST BROADCASTING COMPANY

Call letters (if issued)

NEW FM

Is this application being filed in response to a ☒ Yes ☐ No

If Yes, specify closing date: December 14, 1989

Purpose of Application: (check appropriate box(es))

- | | |
|--|---|
| <input checked="" type="checkbox"/> Construct a new (main) facility | <input type="checkbox"/> Construct a new auxiliary facility |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility | <input type="checkbox"/> Modify licensed auxiliary facility |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- | | |
|---|--|
| <input type="checkbox"/> Antenna supporting-structure height | <input type="checkbox"/> Effective radiated power |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency |
| <input type="checkbox"/> Antenna location | <input type="checkbox"/> Class |
| <input type="checkbox"/> Main Studio location | <input type="checkbox"/> Other (Summarize briefly) |

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
289	City Baldwin	County Duval	State FL

Class (check only one box below)

- ☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

About 1.6 kilometers north of junction of U.S. 90 West and U.S. 301 South, just north of Baldwin corporate limits

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	30° 19' 01"	Longitude	81° 59' 03"
----------	-------------	-----------	-------------

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both.

n/a

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

n/a

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. FAA determination not yet available.

Exhibit No.
n/aDate Dec. 13, 1989 Office where filed Southern Regional Office, East Point, Ga.

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>None within 8 km</u>		
(b) _____		

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 23 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 104 meters(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 127 meters

(b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground 100 meters (H)100 meters (V)(2) above mean sea level [(a)(1) + (b)(1)] 123 meters (H)123 meters (V)(3) above average terrain 100 meters (H)100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-1

9. Effective Radiated Power:

(a) ERP in the horizontal plane

6.0 kw (H*) 6.0 kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.
n/a

_____ kw (H*) _____ kw (V*)

*Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.
n/a

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.
n/a

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.
n/a

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☒ Yes ☐ No

See Exhibit E, pp. 3-5

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

n/a

☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
n/a

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
n/a

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
n/a

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☐ Yes ☒ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.
n/a

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E-2

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers: 1:1,000,000 World (North America) series, Jacksonville
(obtained from U. S. Geological Survey)

Exhibit No.
E-3

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 316 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2,516.1 sq. km.

Population 248,899

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
n/a

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
*	105	16.6	28.9
0	105	16.6	28.9
45	103	16.5	28.7
90	103	16.5	28.7
135	103	16.5	28.7
180	104	16.5	28.8
225	91	15.3	27.1
270	92	15.4	27.2
315	99	16.1	28.2

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT. (150°)

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

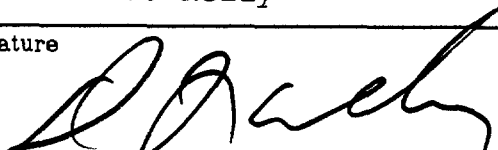
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.

If No, explain briefly why not. See Narrative Engineering Statement, Exhibit E

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Dennis J. Kelly	Relationship to Applicant (e.g., Consulting Engineer) Partner
Signature 	Address (Include ZIP Code) 1322 Homewood Lane Annapolis, Md. 21401
Date 12/13/59	Telephone No. (Include Area Code) office: (202) 293-2300

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. I ☐ the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 896-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Carl Struck, Champion Realty

Telephone No. (include area code) 904-396-9401

Person contacted: (check one box below)

☐ Owner ☒ Owner's Agent ☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

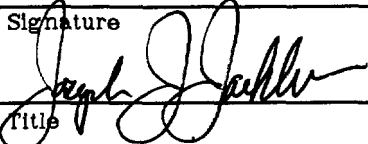
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant FIRST COAST BROADCASTING COMPANY	Signature 
Date 12/13/89	Title General Partner

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

BROADCAST EQUAL EMPLOYMENT OPPORTUNITY

MODEL PROGRAM REPORT

1. APPLICANT

Name of Applicant FIRST COAST BROADCASTING COMPANY	Address 5223 Duane Drive Fayetteville, NY 13066
Telephone Number (include area code) 315-445-0123	

2. This form is being submitted in conjunction with:

☒ Application for Construction Permit for New Station ☐ Application for Assignment of License

☐ Application for Transfer of Control

(a) Call letters (or channel number or frequency) 289A, 105.7 MHz

(b) Community of License (city and state) Baldwin, Florida

(c) Service:

☐ AM ☒ FM ☐ TV ☐ Other (Specify) _____

INSTRUCTIONS

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

Guidelines for a Model EEO Program and a Model EEO Program are attached.

NOTE: Check appropriate box, sign the certification below and return to FCC:

☐ Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.

☒ Station will employ 5 or more full-time employees. Our Model EEO Program is attached. (You must complete all sections of this form.)

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 13 day of December, 1989

Signed *Joseph J. Jakko*

Title General Partner

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. RECRUITMENT

The applicant should specify the recruitment sources and other techniques it proposes to use to attract qualified minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of qualified minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist in its effort to increase the available pool of qualified minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. GENERAL POLICY

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. RESPONSIBILITY FOR IMPLEMENTATION

(Name/Title) Joseph J. Jackler, General Partner will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to the recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

- ☒ The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☒ Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☒ We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.
- ☐ Other (specify)

IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration whenever job vacancies occur, we propose to utilize the following recruitment procedures:

- ☒ We will contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of organizations we intend to contact are:

- American Women in Radio and Television
- Local chapters, NAACP
- Job Skills Bank, Tampa

- ☒ In addition to the organizations noted above, which specialize in minority and women candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

- Florida State Employment Department
- NAB Employment Clearinghouse
- Snelling and Snelling

- ☒ When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with minority and women enrollments. Educational institutions to be contacted for recruitment purposes are:

- University of Florida
- Florida State University
- Florida A&M University

- ☒ When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:

- The Florida Times-Union
- Broadcasting magazine

- ☒ We will encourage employees to refer qualified minority and women candidates for existing and future job openings.

V. TRAINING

- ☒ Station resources and/or needs will be such that we will be unable or do not choose to institute programs for upgrading the skills of employees.
- ☐ We will provide on-the-job training to upgrade the skills of employees.
- ☐ We will provide assistance to students, schools, or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

Proposed Form of Assistance

☐ Other (specify)

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OTHER BROADCAST INTERESTS

A. Existing Stations and Pending Applications

Joseph J. Jackler is Secretary/Treasurer (not a director or stockholder) of both WENY, Inc. and South Jersey Radio, Inc. WENY, Inc. is the licensee of WENY(AM), WLEZ(FM) and WENY-TV, Elmira, New York; television translator W06AR, Hornell, New York; and permittee of television translator W07BJ, Ithaca, New York. South Jersey Radio, Inc. is licensee of WOND(AM), Pleasantville, WMGM-FM, Atlantic City, and WMGM-TV, Wildwood, all New Jersey, and is permittee of LPTV station W07CE, Atlantic City, New Jersey. It is the owner and publisher of the Sentinel-Ledger, a newspaper published 65 times per year at Somers Point/Ocean City, New Jersey. It also holds a 50 percent interest in the permittee for a new Channel 1 MDS station at Wildwood, New Jersey.

South Jersey Radio, Inc. has pending applications for new FM station at Fort Lauderdale, Florida (File No. BPH-830511AK) and new AM station at Richmond, California (File No. BPH-830511AG), both of which were recommended for grants by Review Board decisions, 66 PR 2d 1162 and 66 RR 2d 1236, respectively. A settlement of the Fort Lauderdale proceeding has been filed and is pending before the Commission. Additionally, SJR is an applicant for a new TV station at Memphis, Tennessee (File No. BOCT-830511KE). A settlement agreement in this proceeding is now pending before the Commission.

Mr. Jackler is a General Partner and 25 percent equity owner of DJ's Broadcasting Company, applicant for a construction permit for a new FM station at Syracuse, New York (File No. BPH-870918MY, MM Docket No. 89-311). In the Syracuse proceeding, Mr. Jackler committed to resigning his offices with WENY and SJR in the event that application were granted.

Dennis J. Kelly holds the following interests: 50 percent general partner in Lagrange County Broadcasting Company, applicant for a construction permit for a new FM station at Lagrange, Indiana (File No. BPH-880707MJ); and officer, director and 50 percent stockholder in FM Annapolis, Inc., applicant for a construction permit for a new FM station at Annapolis, Maryland (File No. BPH-880901MA).

B. Dismissed Applications

Joseph J. Jackler. Mr. Jackler was a 14.285% stockholder in Golden East Broadcasters, Inc., which was an applicant for construction permits for new commercial TV stations at Hollywood, Florida (BPCT-811121KI) and at Brunswick, Georgia (File No. BPCT-821210KF). Both applications were dismissed pursuant to settlement agreements.

South Jersey Radio, Inc. has made applications for the following facilities, which were dismissed with prejudice pursuant to settlement agreements:

- New TV, Charleston, S. C. (File No. BPCT-830429KH)
- New TV, Cape Coral, Fla. (File No. BQCT-821124KF)
- New AM, Hawthorne, Cal. (File No. BP-830511AE)
- New AM, Yonkers, N. Y. (File No. BP-830512AJ)
- New AM, Malden, Mass. (File No. BP-830511AI)
- New FM, Chicago, Ill. (File No. BP-830512CA)
- New FM, Los Angeles, Cal. (File No. BPH-830512AN)
- New FM, Boston, Mass. (File NO. BPH-830512AJ)

SJR also voluntarily dismissed its application for a new AM station at Memphis, Tennessee (File No. BP-830512BS).

Dennis J. Kelly was Assistant Secretary (not a director or stockholder) in Virginia Beach Television, Inc., which voluntarily dismissed its application for a construction permit for a new TV station in 1983 (File No. BPCT-830223KI). Additionally, he was sole proprietor of Carroll County Broadcasting Company, applicant for a new FM Broadcast Station at Delphi, Indiana (File No. BPH-8607070F), which he voluntarily dismissed in June, 1988.

FAMILIAL INTERESTS

Joseph J. Jackler: Doris Jackler, his wife, Jay L. Jackler, his son, and Roberta K. Jackler, his daughter-in-law, each own 25 percent of DJ's Broadcasting Company, applicant for a construction permit for a new FM Broadcast Station at Syracuse, New York (File No. BPH-870918MY, MM Docket No. 89-311), which is pending before the Commission.

Dennis J. Kelly: Carol A. Kelly, his wife, owns 50 percent of Lagrange County Broadcasting Company, applicant for a construction permit for a new FM Broadcast Station at Lagrange, Indiana (File No. BPH-880707MJ).